

Site Contamination Guidance

All projects require compliance with 24 CFR Part 58.5(i)(2). Projects should be evaluated for hazardous materials in accordance with Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Texas Solid Waste Disposal Act, the Texas Hazardous Substances Spill Prevention and Control Act, and applicable American Society for Testing and Materials (ASTM) standards.

The Environmental Service Provider (ESP) shall refer to the following guidance materials for detailed procedures and methodologies for conducting hazardous materials investigations:

- 40 CFR 312.
- Texas Health and Safety Code.
- Texas Water Code, Subchapter G, Section 26.261.
- ASTM E1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process.

Contamination and Toxic Hazards

The ESP shall perform a due diligence investigation for all projects to determine the potential for encountering hazardous materials contamination within existing and proposed project areas and to begin evaluating the potential impacts to the project. The investigation shall include:

- A review of project design and property acquisition requirements;
- A review of existing and previous land use;
- A review of regulatory agency (the TCEQ and the EPA) databases and files for recorded sites within a ASTM search standards listed in **Attachment A**;
- Windshield survey/field visit;
- Interviews, if necessary; and
- A determination of the need for further investigation (through a Phase I ESA or Phase II ESA) considerations and/or coordination.

In many cases, a full Phase I Environmental Site Assessment (ESA) will not be required. However, a due diligence investigation is needed in order to assess the potential for impacts to the project. In addition to HUD regulations specified in 24 CFR 51 regarding thermal/explosive hazardous materials, evaluation of additional issues of concern will be required. While there are not specific regulations that outline what is adequate for a due diligence investigation, an outline of what will be expected is included in the following paragraphs.

Analysis of various federal and state database searches will be required. It should be noted that the following lists are not inclusive of all databases that could be utilized.

Federal databases include:

- National Priorities List (NPL);
- Resource Conservation and Recovery Act – Corrective Action (RCRAC);
- Resource Conservation and Recovery Act – Generator (RCRAG);
- Brownfield Management System (BF);
- Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS); and
- National Pollutant Discharge Elimination System (NPDES).

The NPL database can be found at the [EPA NPL](#) site and all other federal databases can be accessed by using the [EPA EnviroMapper](#).

State databases include:

- Industrial and Hazardous Waste (IHW);
- Petroleum Storage Tanks (PST);

Site Contamination Guidance

- Leaking Petroleum Storage Tanks (LPST);
- Brownfield Site Assessments (BSA);
- State superfund (SF);
- Municipal Solid Waste Landfill Sites (MSWLF); and
- Closed and Abandoned Landfill Inventory (CALF).

All state databases, except CALF, can be accessed by utilizing the [TCEQ Central Registry Query](#) website. CALF information is maintained by individual Council of Governments across the state.

After all database resources are searched and the necessary information has been gathered, the ESP shall review each site that falls within the ASTM recommended search radii as outlined in **Attachment A**. Analysis of a site should include review of the site report, which can include a variety of information, such as issued permits, spill and cleanup history, compliance issues, etc. While each site report contains a varying amount of data, efforts should be made to obtain all readily available information. Only data that is applicable to the project site and falls within the ASTM search radii should be included in the ERRs. If a search yielded no results, then that should be noted in a summary page, such as the example page included in **Attachment B**.

A site inspection will be required as part of each due diligence investigation. During site investigations, several conditions will need to be assessed for presence/absence at the location and photographs taken of any condition observed. While not an all-inclusive list, these conditions include:

- Visual evidence of stressed vegetation;
- Soil staining;
- Close proximity of refineries, abandoned gas stations, landfills, or other areas of concern;
- Olfactory indicators;
- Visual evidence of illegal dumping;
- Leaking or corroded storage barrels, and/or
- Electrical equipment that may contain Polychlorinated biphenyl (PCBs).

A field observation report should be filled out while in the field to ensure all potential concerns or issues are reviewed and considered. A template field observation report is included in **Attachment C**. Once a project site has been assessed, the ESP should provide recommendations for any additional investigation that may be warranted. The ESP should note the known or suspected hazardous materials sites, classify them as either a low risk site or a high risk site, and discuss their proximity to the project location. Low risk sites are sites that do not pose a threat to the project. Conversely, high risk sites are sites that pose actual or potential threats (i.e. leaking underground storage tank (LUST), undocumented landfill, etc.), and are located adjacent to or within the proposed property. The conclusions and recommendations reached should be clearly summarized in the Statutory Checklist.

While each project is different, there are several guidelines that can be used to help determine if a Phase I ESA is necessary. According to HUD Guidance and Technical Assistance, (http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous) if the property, or adjacent parcels, are listed on the EPA Superfund list, or state equivalent, located within 3,000 feet of a toxic or solid waste landfill, contains an underground storage tank, or if known or suspected contamination has occurred from toxic or radioactive materials, a Phase I ESA should be conducted. If the project site, or adjacent property, has had a compliance action listed in the EPA or TCEQ regulatory database search, and definitive conclusions cannot be made that there is no potential for encountering the contamination during the course of construction of the project, then a Phase I ESA is recommended. If the ESP determines further investigation is needed, such as a Phase I Environmental Site Assessment or Phase II Subsurface Investigation, the ESP should contact the GLO or PMC.

Site Contamination Guidance

Standard Environmental Record Sources (where available)	Approximate Minimum Search Distance (in miles)
<i>Federal Databases</i>	
NPL site list	1.0
Delisted NPL site list	0.5
CERCLIS list	0.5
CERCLIS NFRAP site list	0.5
RCRA CORRACTS facilities list	1.0
RCRA non-CORRACTS TSD facilities list	0.5
RCRA generators list	property and adjoining properties
Institutional control/engineering control registries	property only
ERNS list	property only
<i>State/Tribal Databases</i>	
NPL	1.0
CERCLIS	0.5
Landfill and/or solid waste disposal site lists	0.5
Leaking storage tank list	0.5
Registered storage tank list	property and adjoining properties
Institutional control/engineering control registries	property only
Voluntary cleanup sites	0.5
Brownfield sites	0.5

Source: ASTM E1527-05 section 8.2.1 - <http://enterprise1.astm.org/DOWNLOAD/E1527.212268-1.pdf>

Example summary page included in appendix of the ERR with the hazardous materials search results

The following is a list of databases searched and the number of sites found within the indicated search radius.

Database searched	Search Distance (in miles)	Number of Sites found
<i>Federal Databases</i>		
NPL site list	1.0	1
Delisted NPL site list	0.5	none
CERCLIS list	0.5	none
CERCLIS NFRAP site list	0.5	none
RCRA CORRACTS facilities list	1.0	2
RCRA non-CORRACTS TSD facilities list	0.5	none
RCRA generators list	property and adjoining properties	none
Institutional control/engineering control registries	property only	none
ERNS list	property only	none
<i>State/Tribal Databases</i>		
NPL	1.0	none
CERCLIS	0.5	none
Landfill and/or solid waste disposal site lists	0.5	1
Leaking storage tank list	0.5	3
Registered storage tank list	property and adjoining properties	2
Institutional control/engineering control registries	property only	none
Voluntary cleanup sites	0.5	2
Brownfield sites	0.5	none

Field Observation Report

Project Name: _____

ERR #: _____

Date of Field Visit: _____

General Information

County	
City	
GPS Site Location	

Ecological Site Information

General site description (residential, commercial, forested, grassland, etc.):

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Water bodies present? If yes, describe (pond, lake, creek, river, wetland, etc.):

--

Special or unique vegetation features?

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Special wildlife habitat?

--

Observed wildlife:

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National, state, or locally designated park or natural reserve at, or adjacent to, project site?

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Hazardous Material Issues

Yes/No	Does the project include any of the following activities (indicate all that apply)?
	Structure demolition operations or structure modifications.
	If yes, is there potential for the building to contain asbestos or lead-based paint?
	Pipeline and underground utility installation or adjustments.
	De-watering.
	Purchase of new ROW or easement.
	Trenching, drilled shafts, cuts or other excavations.

Project Site Survey

(Yes/No)	Specific concerns identified on, or adjacent to, project area:
	aboveground storage tanks
	underground storage tanks
	vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground

Attachment C

	electrical and transformer equipment
	If yes, are there signs of leaking transformers oil (PCBs) on the ground?
	injection wells, cisterns, sumps, dry wells flooring, drains, or walls stained by substances other than water or emitting foul odors
	vats, 55-gallon drums (labeled/unlabeled), canisters, barrels, bottles, etc.
	surface dumping of trash, garbage, refuse, rubbish, debris half exposed/buried, landfill, stockpiling, storage, etc.
	damaged or discarded automotive or industrial batteries
	stained, discolored, barren, exposed or foreign (fill) soil
	dead, damaged or stressed vegetation
	oil sheen or films on surface water, seeps, lagoons, ponds, or drainage basins
	pits, ponds, or lagoons associated with waste treatment or waste disposal
	changes in drainage patterns from possible fill areas
	security fencing, protected areas, placards, warning signs
	dead animals possibly due to contamination
	other concerns (<i>Describe below</i>):
Miscellaneous Observations	
(Yes/No)	Other compliance factors identified on, or adjacent to, project area:
	Historic age buildings
	Refineries
	Airports, runway strips
	Educational facilities
	Commercial facilities
	Healthcare facilities
	Social services facilities

Describe any “Yes” answers indicated above:

Any additional information:

{Signature of field investigator}
 Name of Site Investigator
 Title
 Company

 Date